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Appearing Defendants *Bayer Corporation,*
7 *Bayer Essure Inc., Bayer HealthCare LLC,*
Bayer HealthCare Pharmaceuticals Inc.
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 SELENE ADAMCZYK, *et al.*,

12
13 Plaintiffs,

14 vs.

15 BAYER CORP.; BAYER HEALTHCARE
16 LLC; BAYER ESSURE INC., (F/K/A
CONCEPTUS, INC.); BAYER HEALTHCARE
17 PHARMACEUTICALS, INC.; and DOES 1-10,
inclusive,

18 Defendants.
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) Case No. 3:17-cv-01846-WHA
) Order re:
) **JOINT STIPULATION TO STAY**
) **BRIEFING PENDING RULINGS ON**
) **MOTION TO REMAND AND**
) **MOTION TO DISMISS IN**
) *SANGIMINO, et al. v. BAYER CORP.,*
) *et al.*

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Order re:

JOINT STIPULATION TO STAY BRIEFING; CASE NO. 3:17-cv-01846-WHA

1 Plaintiffs Selene Adamczyk, *et al.*, and defendants and specially-appearing defendants Bayer
2 Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare Pharmaceuticals Inc.
3 (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their complaint on February 28, 2017, in the Superior Court for the
5 State of California, County of Alameda. In their complaint, Plaintiffs assert claims involving the
6 Essure® Permanent Birth Control System (the “Essure® Device”).

7 2. On April 3, 2017, Bayer removed the matter from the Alameda County Superior
8 Court to the United States District Court for the Northern District of California. [Dkt. No. 1].

9 3. Bayer filed its Motion to Dismiss on April 10, 2017, on the grounds of federal
10 preemption, among other grounds. [Dkt. No. 17]. The Motion to Dismiss is currently scheduled for
11 hearing on June 8, 2017.

12 4. On April 19, 2017, Plaintiffs filed a motion to remand this action to the Superior
13 Court of Alameda County, State of California, pursuant to 28 U.S.C. § 1447, on the grounds that this
14 Court lacks jurisdiction over this action. [Dkt. No. 21].

15 5. On April 7, 2017, this matter was deemed related to another matter pending before
16 this Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer*
17 *Corp., et al.*, Case No. 3:17-cv-01488-WHA. [Dkt. No. 14].

18 6. In the *Sangimino* matter, the Court has already set a briefing schedule on Bayer’s
19 Motion to Dismiss, which is similar to the Motion to Dismiss filed in this matter, and on Plaintiffs’
20 Motion to Remand, which is similar to the Motion to Remand filed in this matter. The briefing
21 schedule on those motions in *Sangimino* is as follows:

- 22 • **April 28, 2017:** Bayer’s deadline to respond to Plaintiffs’ Motion to Remand;
23 Plaintiffs’ deadline to respond to Bayer’s Motion to Dismiss;
- 24 • **May 12, 2017:** Bayer’s deadline to file a reply in support of the Motion to Dismiss;
25 Plaintiffs’ deadline to file a reply in support of the Motion to Remand;
- 26 • **June 8, 2017:** Hearing on Motion to Dismiss and Motion to Remand.

27 7. In light of the close overlap between the issues being briefed in *Sangimino* and those
28 that will be presented to the Court in this matter, the parties have met and conferred and agree that it

1 would be in the interest of judicial economy to stay the briefing in this matter pending the Court's
2 rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*. The Parties thus respectfully
3 request and ask the Court to enter an order in this matter staying all briefing on Bayer's Motion to
4 Dismiss and Plaintiffs' Motion to Remand until such time.

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6 IT IS SO STIPULATED.

7 Dated: April 19, 2017

SIDLEY AUSTIN LLP

8
9 By: /s/ Alycia A. Degen

Alycia A. Degen

Bradley J. Dugan

10
11 *Attorneys for Defendants and Specially*
12 *Appearing Defendants*

Bayer Corporation, Bayer HealthCare LLC,
Bayer Essure Inc., and Bayer HealthCare
Pharmaceuticals Inc.

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14 Dated: April 19, 2017

GRANT & EISENHOFER P.A.

15 By: /s/ M. Elizabeth Graham

M. Elizabeth Graham

16 *Attorneys for Plaintiffs*

17 Selene Adamczyk, *et al.*

18 **Filer's Attestation:** Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby
19 attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

20 Dated: April 19, 2017

21 By: /s/ Alycia A. Degen

Alycia A. Degen

1 **~~PROPOSED~~ ORDER**

2 PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS
3 ORDERED THAT the briefing on Bayer's Motion to Dismiss and Plaintiffs' Motion to Remand are
4 STAYED pending the Court's rulings on the Motion to Dismiss and Motion to Remand in the
5 related case *Sangimino v. Bayer Corp., et al.*, Case No. 3:17-cv-01488-WHA.

6 Dated: April 20 2017

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8 Honorable William H. Alsup